

22.08.2023
ML. 303
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 3106 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Gangnapur** Police Station Case No. **599** of **2022** dated **30.12.2022** under Sections **376/506/34** IPC.

And

In the matter of: **Majirul Mondal**

....petitioner.

Ms. Sananda Bhattacharyya

...for the petitioner.

Mr. Shiladitya Banerjee

...for the State.

1. Heard learned Counsel for the parties.
2. It is submitted by the learned Counsel for the petitioner that the victim is alleged to have been ravished by the present petitioner in the year 2021 resulting in her pregnancy. On subsequent marriage with one Khalil Khan, both the victim and aforesaid Khalil Khan were happily married with their son. Subsequently, it came to light that son whom the victim gave birth is not the biological son of aforesaid Khalil Khan. Thereafter, dispute arose between them. Prior to that, the petitioner who was a married man at the relevant time had promised the victim to marry after legally divorcing his wife but he went to live in Mumbai on transfer. In the meantime, the aforesaid marriage of the victim took place with Khalil Khan.
3. In the statement of the victim recorded under Section 164 Cr.P.C. there is no mention about her pregnancy as a result of ravishment of the present petitioner. But it is fairly submitted by learned Counsel for the State that there was previous

marriage of the victim with Khalil Khan and the present FIR has been lodged after about two years.

4. Regard being had to the facts and submission, factum of permanent residence of the petitioner, nature of allegation and substantial progress in investigation, it is directed that the petitioner shall be released on bail in the event of his arrest by the Arresting Officer in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the conditions that:
 - i) the petitioner is directed to appear before the I.O. once in a fortnight on the day and time fixed by the I.O. for the purpose of investigation till submissions of F.F.;
5. The petitioner is directed to appear before the I.O. within 21 days from today along with a server copy or certified copy of this order.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. The application being **CRM (A) 3106 of 2023** is disposed of.
8. The Arresting Officer is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

